

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANTZ SAMSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

UNITED HEALTHCARE SERVICES, INC.,

Defendant.

Case No. 2:19-cv-00175-JLR

DEFENDANT’S MOTION FOR
LEAVE TO FILE OVERLENGTH
BRIEF

Noted for Consideration: June 2, 2020

I. RELIEF REQUESTED

Pursuant to LCR 7(f), Defendant United HealthCare Services, Inc. (“United”) respectfully seeks an order permitting it to file an overlength brief in Opposition to Plaintiff’s Motion for Class Certification. LCR 7(e)(3) provides that motions for class certification and briefs in opposition are limited to 24 pages in length. United respectfully requests permission to file a brief containing no more than 10 additional pages, for a total page limit of 34 pages.

United sought Plaintiff’s counsel’s concurrence in the filing of this motion, and Plaintiff’s counsel stated that they do not take a position on the motion except to say that, if the Court grants the motion, Plaintiff requests that he be granted additional pages for his reply proportional to Defendant’s request.

II. ARGUMENT

The additional pages requested are necessary in large part to provide sufficient explanation of facts and law as to a range of issues relevant to the predominance inquiry. Those

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LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 issues include issues familiar to TCPA class litigation such as the individualized inquiries
 2 necessary to address issues of consent and revocation of consent. At the same time, the
 3 opposition will also address important legal and factual issues unique to the health insurance
 4 context, including health and safety related exceptions to the consent requirement, the impact of
 5 the McCarran Ferguson Act, examples of state statutes that are implicated, a brief explanation of
 6 the regulatory background that applies to the population of members of United's Medicare
 7 Advantage and Dual Special Needs Plans who were the intended recipients of the calls in this
 8 case, and an explanation of how all of these issues impact the predominance inquiry as applied
 9 to the many different health and insurance-related call campaigns at issue. These issues combine
 10 with a number of additional arguments related to the class representative's inadequacy as a class
 11 representative, the atypicality of his claims, and additional explanation as to why the proposed
 12 classes are disproportionate to his claims, unmanageable, and otherwise inappropriate.

13 **III. CONCLUSION**

14 For the foregoing reasons, United respectfully requests leave to file an Opposition to
 15 Plaintiff's Motion for Class Certification of no more than 34 pages.

16 DATED: June 2, 2020.

17 LANE POWELL PC

18
 19 By s/Heidi B. Bradley
 20 Barbara J. Duffy, WSBA #18885
 21 Heidi B. Bradley, WSBA #35759
 22 1420 Fifth Avenue, Suite 4200
 23 P.O. Box 91302
 24 Seattle, WA 98111-9402
 25 Telephone: 206.223.7000
 26 Facsimile: 206.223.7107
 27 Email: bradleyh@lanepowell.com
 Attorneys for Defendant United HealthCare
 Services, Inc.

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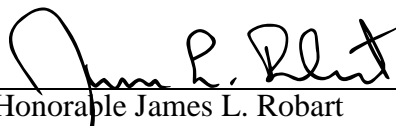
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ORDER

United HealthCare Services, Inc.'s Motion for Leave to File Overlength Brief is GRANTED. United may file an Opposition to Plaintiff's Motion for Class Certification of no more than 34 pages. Plaintiff may file a reply brief in further support of its Motion for Class Certification that is no more than half the length of United's Opposition.

IT IS SO ORDERED.

DATED this 3rd day of June, 2020.



Honorable James L. Robart

ORDER GRANTING DEFENDANT'S MOTION FOR
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